

Serial No. 09/944,150

Attorney Docket No. 12-006

REMARKS

The foregoing amendments amended claim 20 by defining that at least a portion of the modified polymer material is modified by a first modifier, the first modifier having at least two successive carbon atoms *covalently* bonded to carbon atoms of the backbone chain. This aspect of the presently claim invention is described on page 5, lines 28-35 and elsewhere in the present specification disclosure or in paragraphs [0020] and [0047] and elsewhere of U.S. Patent Publication No. 2002-0160256 A1, which corresponds to the present application.

Claims 20, 23, 24, and 26 remain pending in the application. Claims 1-19, 21-22, 25 and 27-32 were previously canceled. Claims 24 and 26 were withdrawn from consideration as being directed to a non-elected invention. The applicant (KAMI *et al.*) respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 20 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0 898 316 of Tsukuda *et al.* (Tsukuda). This rejection appears on pages 2 and 3 of the Official action. Applicant respectfully submits that the inventions defined in claims 20 and 23 are patently distinguishable from the teachings of Tsukuda within the meaning of 35 U.S.C. §103(a) for at least the following reasons.

Present claim 20 requires, *inter alia*, that at least a portion of the modified polymer material is modified by a first modifier, the first modifier having at least two successive carbon atoms "*covalently* bonded to carbon atoms of the backbone chain." This limitation is discussed on page 5, lines 28-35 and elsewhere in the present specification disclosure or paragraphs [0020] and [0047] and elsewhere of U.S. Patent Publication No. 2002-0160256 A1, which corresponds to the present application. This expression in claim 20 means that at least two carbons of the

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polymer backbone material and at least two carbons of a predetermined substituent are bonded to each other not by ester linkage or ether linkage, but by *covalent* bonds. This covalent bonding can be achieved either by (1) radiating a high-energy beam or by (2) heating after coating an initiator on the surface of the porous film, as discussed at page 24, line 26 *et seq.* of the present specification disclosure or paragraph [0105] *et seq.* of U.S. Patent Publication No. 2002-0160256 A1, which corresponds to the present application.

The teachings of Tsukuda do not contemplate or suggest this covalent bonding between the first modifier and the carbon atoms of the backbone chain or any method of achieving this bonding. In fact, the teachings of Tsukuda in paragraph [0121] explain that the organosilicon compound proposed therein react with polar groups such as hydroxyl group and silane group by subjecting them to hydrolysis to form a film. This type of binding is an ester or ether linkage, but not a covalent bond as required in the present claims, as explained on page 5, lines 28-35 and elsewhere in the present specification disclosure or paragraphs [0020] and [0047] and elsewhere of U.S. Patent Publication No. 2002-0160256 A1, which corresponds to the present application. In fact, the teachings of Tsukuda by proposing an ester or ether linkage teach away from the presently claimed covalent bonding, and therefore cannot contemplate or suggest the inventions set forth in the present claims. *United States v. Adams*, 383 U. S. 39, 40 (1966); *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). At least for these reasons, applicant respectfully submits that the inventions defined in claims 20 and 23 are patently distinguishable from the teachings of Tsukuda.

The Official action stated that Tsukuda teaches a porous film of a polyester resin. Applicant respectfully submits that this may not be correct. In paragraph [0055] Tsukuda proposes that the porous base comprises at least one material selected from a porous film, a

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woven fabric and a nonwoven fabric containing organic fibers and paper. In paragraph [0056] Tsukuda proposes that the materials constituting the porous film include, for example, polyolefin resin and fluorocarbon resin. Paragraph [0059] of Tsukuda proposes that the organic fibers contained in the woven fabric or nonwoven fabric may comprise polyesters. Thus, while Tsukuda may propose that the organic fibers in the woven fabric or nonwoven fabric may comprise polyesters; Tsukuda proposes that the porous film, which allegedly corresponds to the presently claimed porous film, can be polyolefin resin and fluorocarbon resin -- not polyester (or not polyethylene terephthalate) as presently claimed.

In addition to the above, applicant respectfully submits that the inventions defined in claims 20 and 23 are patently distinguishable from the teachings of Tsukuda for the reasons set forth in the Amendment filed on April 30, 2007, which remarks are incorporated herein by reference.

For at least the foregoing reasons, applicant respectfully submits that the inventions defined in claims 20 and 23 are patently distinguishable from the teachings of Tsukuda within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw any rejection over these teachings. Since claims 20 and 23 are in condition for allowance, applicant respectfully request a rejoinder of these claims with withdrawn claims 24 and 26 and a formal allowance of claims 20, 23, 24, and 26.

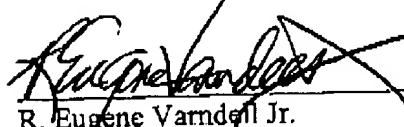
The foregoing is a complete and proper response to the Official action mailed July 6, 2007. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

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In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
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